

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ROBERT E. LEAVY, Jr

PETITIONER

VS.

CASE NO.: 5:15CV00092 JM/BD

**WENDY KELLEY, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

The Court has reviewed the Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. The parties have not filed any objections to the Recommendation.

After careful consideration, this Court adopts the Recommendation as its own. Petitioner Robert Leavy’s petition for writ of habeas corpus (docket entry #1) is denied and dismissed, with prejudice.

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

IT IS SO ORDERED, this 15th day of September, 2015.



UNITED STATES DISTRICT JUDGE